

From: [Fitz, Nancy](#)
To: [Jacobs, William](#); [Benbow, Gene](#); [Wasem, Russell](#); [Koch, Erin](#)
Cc: [Baris, Reuben](#); [Gaines, Jennifer](#)
Subject: RE: Question about using service containers for rodenticides
Date: Friday, September 27, 2013 12:07:31 PM

The question I received was about a solid rodenticide bait.

Before we get too far down in the weeds, I would also point out that service containers are specific exempt from regulation by FIFRA section 2(gg), the definition of to distribute or sell:

The term "to distribute or sell" means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. The term does not include the holding or application of registered pesticides or use dilutions thereof by any applicator who provides a service of controlling pests without delivering any unapplied pesticide to any person so served."

I am pointing this out because I agree with Bill's concerns about having unlabeled buckets of bait at the job site. However, FIFRA section 2(gg) exempts service containers from regulation - as long as the applicator does not leave unapplied pesticide at the job site (which is regulated as distribution or sale).

I look forward to seeing what the Labeling Committee came up with on this one!

Nancy Fitz
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-----Original Message-----

From: Jacobs, William
Sent: Friday, September 27, 2013 11:45 AM
To: Benbow, Gene; Wasem, Russell; Fitz, Nancy; Koch, Erin
Cc: Baris, Reuben; Gaines, Jennifer
Subject: RE: Question about using service containers for rodenticides

Was the "service tank" question about a liquid formulation or a solid rodenticide bait?

My take on this would be to go with Nancy's intended response except to require that bait be returned to the original container so that there aren't mislabeled buckets of bait sitting around anywhere. It's a bit shakey to even to have them at the job site. With a service tank, it's pretty clear what it's all about; and no one can reach in and get a handful or a mouthful of stuff.

From: Benbow, Gene
Sent: Friday, September 27, 2013 11:34 AM
To: Wasem, Russell; Fitz, Nancy; Koch, Erin
Cc: Baris, Reuben; Jacobs, William; Gaines, Jennifer
Subject: RE: Question about using service containers for rodenticides

Rusty,

This exact question came up in the Label Review Committee a few weeks ago for an insecticide. Basically the guy was using a "service tank" on the back of his pickup and said there was no way he could possibly return to the original container after making some of the longer distance "runs" he needed to make during his work day. I don't recall the exact response, but it was essentially that we had not intended to prevent PCOs from doing their job due to the "store only in original container"

language.

I'm going to copy Erin Koch on this message since I'm sure she recalls our response –

Thanks,

Gene Benbow
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Insecticides-Rodenticides Branch
Registration Division
<http://epa.gov/pesticides/>
703-347-0235

From: Wasem, Russell
Sent: Friday, September 27, 2013 11:26 AM
To: Fitz, Nancy
Cc: Baris, Reuben; Jacobs, William; Benbow, Gene; Gaines, Jennifer
Subject: RE: Question about using service containers for rodenticides

Hello Nancy,

I have not seen this question before, but would tend to think the draft answer contradicts label requirements. I will defer to the RD team (cc'ed) for that question as they are more familiar with this type of label language.

Rusty

From: Fitz, Nancy
Sent: Friday, September 27, 2013 10:49 AM
To: Wasem, Russell
Subject: Question about using service containers for rodenticides

Hi Rusty,

I was wondering if you could take a quick look at the following question and a draft answer that I prepared after discussing this with Jeanne Kasai (OPP), David Stangel (OECA) and Brian Dyer (OECA). Have you run across this question before and, if so, is the answer we came up with the same as what you have heard/said previously? If not, please point me in the right direction!

Situation: A PCO called me earlier this week. He wants to transfer rodenticides from a 16-pound pail to smaller pails (e.g., 4-pound containers) for taking the rodenticide to the sites where they would be applied. We discussed what is/is not a service container and I provided him with some Q&As and other information about service containers.

Question: A lot of rodenticide product labels say "Store only in original containers." Does this prevent them from using service containers?

Draft Answer: I discussed this with several colleagues from our enforcement office. We are not aware of any previous policies or Q&As on this question. The conclusion from our discussion was that the statement "Store only in original containers." does not prevent the use of service containers – such as the 4-pound container – for transporting the product to the use site where the pesticide is applied. However, at the end of the day, the unused product in the service container should be returned to the original container for storage.

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